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DATE FILED: 4/24/13

UNITED STATES DISTRICT COURT

Southern

District of

New York

Lupin Atlantis S.A.

V.

Mylan Inc. & Mylan Pharms. Inc.

Case Number: 11-md-2241, 11-cv-3861, 11-cv-3893

BILL OF COSTS

Judgment having been entered in the above entitled action on 12/28/2012 against Lupin Atlantis

Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 1,200.00
Fees for service of summons and subpoena	
Fees of the court reporter for all or any part of the transcript or verbatim report obtained for use in the case	12,085.57
Fees and disbursements for printing	0.00
Fees for witnesses (itemize on page two)	
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$6,989.15 14,934.12
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	1,000.00
Other costs (please itemize)	
<i>No Appearances</i> <i>Objections and reply to objections submitted</i>	
TOTAL	\$ 29,219.69
	\$ 21,274.72

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☐ Electronic service by e-mail as set forth below and/or.
- ☒ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

Name of Attorney:

Mark A. Pacella

For: Mylan Inc. and Mylan Pharmaceuticals Inc.

Date: 4/10/2013

Costs are taxed in the amount of

\$21,274.72

and included in the judgment.

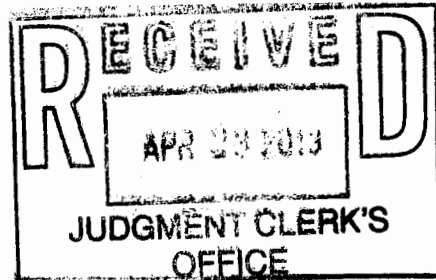
Clerk of Court

By:

Deputy Clerk

Date

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



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In re FENOFIBRATE PATENT LITIGATION
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ECF Case

No. 1:11-md-02241 (JSR) (THK)

Member Cases:

1:11-cv-03861 (JSR) (THK)

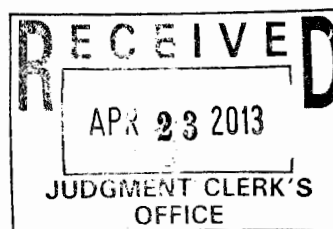
1:11-cv-03893 (JSR) (THK)

NOTICE OF OPPOSITION TO REQUEST TO TAX COSTS

Pursuant to Rule 54.1(b) of the Local Rules of the United States District Court for the Southern District of New York, Plaintiff Lupin Atlantis S.A. ("Lupin Atlantis") hereby provides notice of opposition to Defendants Mylan Inc. and Mylan Pharmaceuticals Inc.'s ("Mylan") Request to Tax Costs, dated April 10, 2013. Lupin Atlantis submits its written objections to Mylan's Request to Tax Cost in the attached Declaration of Joseph V. DeMarco In Opposition To Mylan's Bill of Costs.

Lupin Atlantis understands that Mylan intends to move for pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure, Rule 54.1 of the Local Rules of the United States District Court for the Southern District of New York, and 28 U.S.C. § 1920 before the Orders and Judgment Clerk at 500 Pearl Street, New York, New York 10007, Room 370 at 10:00 am, on April 24, 2013. Lupin Atlantis respectfully requests that the Clerk consider Lupin Atlantis' written objections as part of its determination of the proper costs.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



In re Fenofibrate Patent Litigation

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Case No. 1:11-md-2241 (JSR) (THK)

Member Cases:
1:11-cv-03861 (JSR) (THK)
1:11-cv-03893 (JSR) (THK)
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**MYLAN'S REPLY MEMORANDUM IN SUPPORT OF
ITS BILL OF COSTS**

Defendants Mylan Inc. and Mylan Pharmaceuticals Inc. ("Mylan") hereby submit this reply brief in support of their Bill of Costs. As an initial matter, Plaintiff Lupin Atlantis S.A. ("Lupin") concedes that all but a single category of costs sought by Mylan are proper. *See* DeMarco Decl. ¶ 2. Accordingly, the undisputed costs should be taxed consistent with the Local Rules and Mylan should be awarded at least \$14,285.57 in costs.

With respect to the single category of disputed costs, Lupin's objections are premised on a misapplication of the Local Rules and are contrary to Second Circuit and Southern District of New York precedent. Indeed, in *In re Omeprazole Patent Litigation*, No. 00-civ-6749, 2012 WL 5427849, at *8 (S.D.N.Y. Nov. 7, 2012), this Court awarded costs for photocopying of "one set of documents produced to [the plaintiff] in response to discovery requests." Contrary to Lupin's argument, this Court relied on Second Circuit case law expressly recognizing that photocopying costs may be taxable even if the underlying document was not admitted into evidence at trial. *See U.S. ex. rel. Evergreen Pipeline Constr. Co. v. Merritt Meridian Constr. Corp.*, 95 F.3d 153,